

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-A 801.02
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:	RSA 125-C:4
	3. Federal Authority:	N/A
	4. Type of Action:	
	Adoption	
	Amendment	
	Repeal	
Readoption		
Readoption w/amendment	X	

5. Short Title: Applicability of Testing and Monitoring Requirements

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule identifies the applicability of the testing and monitoring requirements specified in Env-A 800. The proposed amendment clarifies that the owner or operator of a source subject to Env-A 2900, Multiple Pollutant Annual Budget Trading and Banking Program, must comply with the testing and monitoring requirements specified in Env-A 800 and in Env-A 2900 (following the requirements of Env-A 2900 in case of conflict), and that the owner or operator of a source subject to Env-A 4600, Carbon Dioxide (CO₂) Budget Trading Program, must comply with the testing and monitoring requirements specified in Env-A 800 and in Env-A 4600 (following the requirements of Env-A 4600 in case of conflict).

6. (b) Brief description of the groups affected:

The rules affect owners or operators of nitrogen oxides (NO_x) budget sources as defined in Env-A 3203 and carbon dioxide (CO₂) budget sources as defined in Env-A 4602.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statutes Implemented
Env-A 801.02	RSA 125-C:6, XI; RSA 125-O:8

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Joe Fontaine	Title:	Trading Programs Manager
Address:	Department of Environmental Services	Phone #:	(603) 271-6794
	29 Hazen Drive	Fax#:	(603) 271-1381
	P.O. Box 95	E-mail:	Joseph.Fontaine@des.nh.gov
	Concord, NH 03302-0095		

The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, March 2, 2009, at 4 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **Wednesday, February 18, 2009, at 9:30 a.m.**

Place: **Rooms 110-111, DES offices, 29 Hazen Drive, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 08:279 , dated 12/22/08

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not create, expand, or modify any program or responsibility in such a way as to necessitate additional local expenditures by political subdivisions. The rules thus do not violate Part I, Article 28-a of the New Hampshire Constitution.